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IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Implications for the work of the Committee of the priority themes of the Commission on the Status of Women

Report of the Secretariat

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INTRODUCTION

1. The Committee on the Elimination of Discrimination against Women, at its tenth session, requested the Secretariat to prepare, for each session of the Committee, for its information, a report on the implications for its work of the priority themes prepared, or under preparation, for the consideration of the Commission on the Status of Women.

2. The Commission on the Status of Women, at its thirty-sixth session, selected the key priority themes to be considered at its following four sessions (thirty-seventh to fortieth) under the agenda item "Priority themes". This decision was endorsed by the Economic and Social Council in its resolution 1990/15 of 24 May 1990. Since 1988, the Commission has dealt with three priority themes at each session, one under each of the three objectives of equality, development and peace.

3. The reports prepared under the priority themes often include substantive material related to the Convention on the Elimination of All Forms of Discrimination against Women. The priority themes to be considered by the Commission on the Status of Women at its thirty-seventh session to be held in 1993 include:

(a) Increased awareness by women of their rights, including legal literacy (equality);

(b) Women in extreme poverty: integration of women's concerns in national development planning (development);

(c) Women and the peace process (peace).

The present report indicates some of the substantive findings that will be presented to the Commission that are relevant to the work of the Committee on the Elimination of Discrimination against Women.

I. INCREASED AWARENESS BY WOMEN OF THEIR RIGHTS, INCLUDING LEGAL LITERACY

4. The first review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the year 2000 concluded that:

> "The interdependence of the different political and social sectors on the one hand, and the legal and social situation on the other, needs to be recognized. However, de jure equality constitutes only the first step towards de facto equality. Most countries have enacted legal measures to ensure that women have equal opportunities before the law, that is de jure equality. But de facto as well as de jure discrimination continues and visible political and economic commitment by Governments and non-governmental organizations will be required to eliminate it. One obstacle to eliminating de facto discrimination is that most women and men are not aware of women's legal rights or do not fully understand the legal and administrative systems through which they must be implemented. Some affirmative action measures require legal bases which still need to be created." 1/

Recommendation I of the review and appraisal states that:

> "Governments, in association with women's organizations and other non-governmental organizations, should take steps on a priority basis to inform women and men of women's rights under international conventions and national law and to prepare and/or continue campaigns for women's 'legal literacy' using formal and non-formal education at all levels, the mass media and other means; efforts to this end should have been undertaken by 1994." 1/

5. An Expert Group Meeting on Increased Awareness by Women of their Rights, Including Legal Literacy, was held from 18 to 22 May 1992 at Bratislava, Czechoslovakia, by the Division for the Advancement of Women, Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna. The conclusions and recommendations of this meeting form the basis for the report that will be before the Commission.

6. The report of the Meeting notes that a combination of factors, such as illiteracy and lack of education, inflexible, complex and inaccessible legal structures and the fact that equal legal rights for women have not always been translated into enabling legislation, constitute obstacles to the exercise of their rights by women. It concludes, however, that these are obstacles that can be overcome. It proposes that one solution:

> "... is a process of legal literacy informed by a gender perspective that produces women's self and social empowerment to take action for change at each of these levels. For legal literacy to achieve this objective, it must be conceived in a dynamic and political framework. The role of legal literacy is to help women understand that rights and their exercise are a resource for their personal and social development and empowerment."

7. The report recommends the development of legal literacy programmes, which:

> "... can prepare women to participate in these processes by developing women's capacities to critically assess the law and meaning of rights (the limits and possibilities of law as a tool for social change), as well as the needed political skills to assert rights and mobilize to change the substantive and structural obstacles."

8. Recommendations are made to Governments regarding legal reform and adapting national legislation to international norms of equality. The recommendations on structural reform include a variety of measures to provide legal aid, to improve gender-sensitivity in the administration of the legal system, to build education on human rights into formal and non-formal education, to establish or strengthen offices to monitor decisions and to provide alternative channels (such as judicial review panels, ombudspersons) for women seeking to exercise their rights.

9. Recognizing the importance of non-governmental organizations in the operation of legal literacy programmes, recommendations are made to encourage the formation and support of non-governmental organizations that will undertake these programmes.

10. Recommendations are made to international organizations with respect to including a legal literacy component in the design and implementation of technical cooperation projects funded by international organizations, where relevant, and increasing the flow of information about development in human rights activities concerning women. A specific recommendation states:

> "Relevant organizations of the United Nations system, including the United Nations Educational, Scientific and Cultural Organization, United Nations Development Fund for Women, International Research and Training Institute for the Advancement of Women, International Fund for Agricultural Development, International Labour Organisation and the Division for the Advancement of Women of the United Nations Secretariat, should support legal literacy programmes and activities for women and see this support as part of a general effort to promote international standards and norms, especially the Convention on the Elimination of All Forms of Discrimination against Women."

II. WOMEN IN EXTREME POVERTY: INTEGRATION OF WOMEN'S CONCERNS IN NATIONAL DEVELOPMENT PLANNING

11. The issue of poverty has continued to be a major challenge for the international community and for national Governments. Poverty is a grave concern not only for developing countries, where it has increased over the last 10 years, but even for those countries at higher levels of economic development. As stated in the report of the Seminar on the Integration of Women in Development, held at Vienna from 9 to 11 December 1991 (E/CN.6/1992/8, annex I), development theories and strategies for alleviating poverty have not included gender analysis. The development process has largely been assumed by most development theorists to be "gender-neutral". The failure to take gender into account in micro-economic and macroeconomic policies continues to sustain poverty and to affect women disproportionately.

12. A gender analysis of extreme poverty implies an examination of the broad social context in which poverty occurs and how and why men and women experience poverty differently and unequally and become impoverished through processes that differ.

13. Poverty is unacceptable in any society. In its resolution 1992/11, the Commission on Human Rights reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity, and that urgent national and international action was therefore required to eliminate them. Indeed, poverty requires a public response, and the question of which public responses are most effective is central to the issue of incorporating gender into national planning. The roles of the the State, the market and the community in a transformed development process for alleviating poverty have to be considered.

14. The report that will be before the Commission is based on the results of a Seminar on Women in Extreme Poverty: Integration of Women's Concerns in National Development Planning held by the Division for the Advancement of Women at Vienna from 9 to 12 November 1992. As a first objective, the Seminar examined, from a gender perspective, the process by which poverty is generated and reproduced. As a second objective, the role of different actors, such as the State, the market and the community, in a process for alleviating poverty was analysed and defined.

15. The Seminar concluded that an approach of entitlements constituted the best response: "Poverty can be best described as deprivation in terms of basic survival needs and the broad package of entitlements, opportunities and responsibilities by which people meet their needs." 2/ By entitlements the participants meant: "... command over resources and opportunities, based on the endowments that people have and the exchanges that they are able to engage in. The notion of entitlements however goes beyond narrow economic ones to encompass legal, customary and normative entitlements". 2/ In the case of women in poverty, this notion means strengthening their ability to exercise command over resources in their own right as full citizens of their societies. Measures to alleviate poverty must seek to empower women and to guarantee their human rights.

16. The report to the Commission suggests that responses to poverty have to consider a variety of factors, including types of state agencies, markets and community organizations, as well as the different sizes of the private and public sector. The best way of taking account of these differences is to ensure that policies to deal with poverty are responsive to the expressed needs of different groups of women in poverty and that policy makers are accountable to all members of the society. The role of the State is of vital importance: it should ensure that at least the subsistence requirements of the entire population are met. The recommendation of the Seminar states:

> "To discharge this responsibility effectively it is necessary for state agencies to incorporate a gender perspective in all their programmes and policies, so that women in poverty, as well as men, are direct beneficiaries, as of right. This requires the recognition of poor women's productive, reproductive and community role, and the provision of social support systems such as health, family planning, education and caring facilities." 2/

17. The report makes a number of recommendations about how and which institutions could undertake interventions, including carefully designed regulation of the market, strengthening national machinery for the advancement of women, and finding ways of improving their participation at all levels of decision-making.

III. WOMEN AND THE PEACE PROCESS

18. The issue of women and the peace process is related to the Convention, articles 7 and 8, and starts from the factual premise that women are almost completely absent at the governmental level from decision-making about peace. It therefore centres on two related questions: women's participation in non-governmental organizations as a means of influencing the peace process, and women's participation in the military.

19. With regard to women's participation in non-governmental organizations, the report that will be before the Commission traces the development of peace organizations and the strong involvement of women in them. It notes the important contribution of individual women to the peace process, as well as the influence of women researchers on orientations in peace research.

20. The section on women in the military notes that many women do not seek to participate in the military, preferring instead to eliminate the causes of conflict that have justified the existence of the military as an institution.

It recognizes that the military is an important institution in modern society and one where equal participation is an issue that could be important. It notes that women have never routinely participated in the military in either the numbers or ways that men have participated. Still, they have always had a role, and individual women have done everything that men have done including lead armies.

21. The report to the Commission notes that women have, in times of crisis, including national liberation struggles, participated at the base on an equal footing with men, but that the military as an institution is one of the last major public bastions of inequality. Women are, in many countries, not allowed to be part of the military; where they are allowed to join they are not allowed access to all jobs. At the same time, there is growing evidence that, as the military as an institution has changed because of technology and because of global political developments, the potential for women's participation is increasing.

22. The report to the Commission raises a number of questions about the future role of women in the military, include the questions that women would raise about the military itself, including its role and functioning.

Notes

1/ Official Records of the Economic and Social Council, 1990, Supplement No. 1 (E/1990/90).

2/ "Priority themes: Development - Women in extreme poverty, integration of women's concerns in national development planning: report of the Secretary-General" (E/CN.6/1993/3).